

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Derrell F. Gaskins,)	C/A No. 4:13-cv-2730-RBH-KDW
)	
)	
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
Florence County Sheriff's Office and Florence County,)	
)	
Defendants.)	
)	

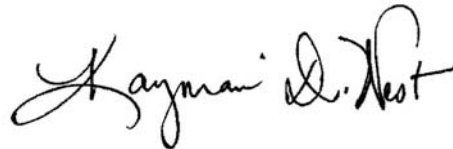
Plaintiff, represented by counsel, filed this 42 U.S.C. § 1983 action alleging that Defendants violated his constitutional rights; he also alleges malicious prosecution. Compl., ECF No. 1. On October 7, 2013, the same day Plaintiff filed his Complaint, the Clerk of Court issued Summonses for Plaintiff's use in serving Defendants with his Complaint. ECF No. 4. Federal Rule of Civil Procedure 4(m) provides that a complaint must be served on a defendant within 120 days of the filing of the complaint. If service is not effected within that 120-day period, "the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that [non-served] defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Rule 4(m) also instructs the court that it must extend the time of service for "an appropriate period" if plaintiff "shows good cause for the failure [to serve.]" *Id.*

Plaintiff's 120-day deadline for serving his Complaint on Defendants expired on February 4, 2014. Plaintiff had provided the court with no proof-of-service information by that time. On February 19, 2014, the court issued a Text Order noting Plaintiff had not provided proof of service of the Complaint as to any Defendant. ECF No. 5. The court's Text Order instructed Plaintiff to provide proof of service no later than March 5, 2014 if he wished to pursue

this action. *Id.* Having received nothing from Plaintiff by March 6, 2014, the court issued another order, advising Plaintiff that if he did not file proof-of-service information to the court by March 19, 2014, the undersigned would recommend this matter be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b). ECF No. 8. To date, Plaintiff has provided no proof-of-service information to the court, nor has he otherwise contacted the court regarding this matter.

Based on the foregoing, it appears Plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, appearing to read "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent than the last name "West".

March 24, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**